

## UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,252	09/11/2003	Srinivasan Venkatesan	HS-122	5345
24963 7	590 08/06/2004		EXAMINER	
ENERGY CONVERSION DEVICES, INC.			LU, JIPING	
2956 WATERVIEW DRIVE ROCHESTER HILLS, MI 48309			ART UNIT	PAPER NUMBER
	,		3749	
			D. ME . ( . H. ED. 00/0//000	

DATE MAILED: 08/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provisions of 37 CFR 1.138(a). In no event, however, may a raply be timely filed  If the period for reply specified above is less than thinky (30) days, a reply within the statutory minimum at thinky (30) days will be considered timely.  If the period for reply specified above, the maximum statutory provide will apply and will engines (30 (6) MONTHS on the mailing date of this communication.  Fallules to early violant his set or extended period for raply will, by statute, cause the application to become ABAHODNED (SI U.S. £ 133).  Responsive to communication(s) filed on			11 /1 /1
## Common Summary    Examinar		Application No.	Applicant(s)
Sping Lu   3749   374		10/660,252	VENKATESAN ET AL.
Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Estaminate of time may be available under the provision of 3 CFR 1.13(a). In no event, however, may a reply be timely filed after 93 (kg) MONTHS from the mailing date of this communication of 3 CFR 1.13(a). In no event, however, may a reply be timely filed after 93 (kg) MONTHS from the mailing date of this communication of 3 CFR 1.13(a). In no event, however, may a reply be timely filed after 93 (kg) MONTHS from the mailing date of this communication after 93 (kg) MONTHS from the mailing date of this communication.  I Ho Spends of the reply is specified shows the mailing date of this communication, the provision in the sort or detended period for reply will, by a taluture part of while year and will part of the provision in the sort of the provision of the provis	Office Action Summary	Examiner	Art Unit
A SHORTENDE STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE £ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - and state (St. (6) MONTHS from the mailing date of this communication the period for rely psecified above, the maximum station pranto will apply and will expire SIX (6) MONTHS from the mailing date of this communication the period for rely psecified above, the maximum station pranto will apply and will expire SIX (6) MONTHS from the mailing date of this communication the period for rely psecified above, the maximum station pranto will apply and will expire SIX (6) MONTHS from the mailing date of this communication Any reply received by the Office ster than these months after the mailing date of this communication, even if timely filed, may reduce any search patent term adjustment. See 37 CFR 1.704(b).  Status  1) Responsive to communication (s) filed on		, ,	
THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provisions of 37 CPR 1.13(e). In no event, however, may a reply be timely filed after SX (6) MONTHS from the making date of this communication.  **TRO provide for reply is selected by the Examiner.**  **If NO provide for reply is selected by the Examiner.**  **If NO provide for reply is selected by the Examiner.**  **If NO provide for the ST (6) MONTHS from the realizing date of this communication.**  **Fallure to reply visitin the set or oxtended period for reply well, by statute, eause the application to become ABANDONEO (35 U.S.C. § 133). Any reply received by the Office lates then three menhals after the mailing date of this communication, even if timely filed, may reduce any seminer patient term edipatiment. See 37 CPR 1.70(b).  **Status**  1) Responsive to communication(s) filed on	The MAILING DATE of this communication ap Period for Reply	opears on the cover sheet with the	correspondence address
1) Responsive to communication(s) filed on	THE MAILING DATE OF THIS COMMUNICATION  - Extensions of time may be available under the provisions of 37 CFR 1 after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a report of the period for reply is specified above, the maximum statutory period.  - Failure to reply within the set or extended period for reply will, by status Any reply received by the Office later than three months after the mailing.	136(a). In no event, however, may a reply be tile ply within the statutory minimum of thirty (30) day if will apply and will expire SIX (6) MONTHS from te, cause the application to become ABANDONE	mely filed ys will be considered timely. n the mailing date of this communication. ED (35 U.S.C. § 133).
2a)  This action is FINAL. 2b) This action is non-final.  3  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-20 is/are pending in the application.  4a) Of the above claim(s) is/are allowed.  6  Claim(s) is/are allowed.  6  Claim(s) is/are objected to.  8  Claim(s) 1-20 are subject to restriction and/or election requirement.  Application Papers  9  The specification is objected to by the Examiner.  10  The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No.  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  *See the attached detailed Office action for a list of the certified copies not received.  Attachment(e)  1) Notice of References Cited (PTO-892)    One of Patsperson's Patent (PTO-1448) or PTO/SB/08)    Information Disclosure Statement(s) (PTO-1448) or PTO/SB/08)    Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)    Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	Status		
2a)  This action is FINAL. 2b) This action is non-final.  3  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-20 is/are pending in the application.  4a) Of the above claim(s) is/are allowed.  6  Claim(s) is/are allowed.  6  Claim(s) is/are objected to.  8  Claim(s) 1-20 are subject to restriction and/or election requirement.  Application Papers  9  The specification is objected to by the Examiner.  10  The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No.  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  *See the attached detailed Office action for a list of the certified copies not received.  Attachment(e)  1) Notice of References Cited (PTO-892)    One of Patsperson's Patent (PTO-1448) or PTO/SB/08)    Information Disclosure Statement(s) (PTO-1448) or PTO/SB/08)    Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)    Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	1) Responsive to communication(s) filed on		
closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)  Claim(s) 1-20 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration.  5)  Claim(s) is/are allowed. 6)  Claim(s) is/are allowed. 7)  Claim(s) is/are objected to. 8)  Claim(s) is/are subject to restriction and/or election requirement.  Application Papers  9)  The specification is objected to by the Examiner. 10)  The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheel(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a)  All b)  Some * c) None of:			
4)  Claim(s) 1-20 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration.  5)  Claim(s) is/are allowed. 6)  Claim(s) is/are rejected. 7)  Claim(s) is/are objected to. 8)  Claim(s) 1-20 are subject to restriction and/or election requirement.  Application Papers  9)  The specification is objected to by the Examiner. 10)  The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.         Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).         Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1.  Certified copies of the priority documents have been received. 2.  Certified copies of the priority documents have been received in Application No 3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.		· · · · · · · · · · · · · · · · · · ·	
4a) Of the above claim(s) is/are withdrawn from consideration.  5)	Disposition of Claims		
9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Interview Summary (PTO-413) Paper No(s)/Mail Date  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  5) Notice of Informal Patent Application (PTO-152)	4a) Of the above claim(s) is/are withdra 5) Claim(s) is/are allowed. 6) Claim(s) is/are rejected. 7) Claim(s) is/are objected to.	awn from consideration.	·
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  5) Notice of Informal Patent Application (PTO-152)	Application Papers		
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  Faper No(s)/Mail Date  5) Notice of Informal Patent Application (PTO-152)	10) The drawing(s) filed on is/are: a) ac Applicant may not request that any objection to the	cepted or b) objected to by the e drawing(s) be held in abeyance. Se	ee 37 CFR 1.85(a).
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  5) Notice of Informal Patent Application (PTO-152)	_ ` ` ` ` ` ` ` ` ` ` ` ` ` ` ` ` ` ` `	, , , , , , , , , , , , , , , , , , , ,	
a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  5) Notice of Informal Patent Application (PTO-152)	Priority under 35 U.S.C. § 119		
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 4) Interview Summary (PTO-413) Paper No(s)/Mail Date 5) Notice of Informal Patent Application (PTO-152)	<ul> <li>a) All b) Some * c) None of:</li> <li>1. Certified copies of the priority documer</li> <li>2. Certified copies of the priority documer</li> <li>3. Copies of the certified copies of the priority application from the International Burea</li> </ul>	nts have been received.  Its have been received in Applicatority documents have been received in Rule 17.2(a)).	tion No red in this National Stage
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  Paper No(s)/Mail Date  Notice of Informal Patent Application (PTO-152)	Attachment(s)		
raper No(s/n/viaii Date 6) Uther:	P) Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail D	oate

## **DETAILED ACTION**

## Election/Restrictions

1. This application contains claims directed to the following patentably distinct species of the claimed invention: Fig. 1, Fig. 2, respectively.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Application/Control Number: 10/660,252 Page 3

Art Unit: 3749

2. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

- 3. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).
- 4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jiping Lu whose telephone number is 703-308-2354. The examiner can normally be reached on Monday-Friday, 9:00 AM 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira Lazarus can be reached on 703 308-1935. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Primary Examiner
Art Unit 3749